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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,677	02/28/2004	Larry L. Hoover	17234	7569

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EXAMINER

NGUYEN, JIMMY T

ART UNIT PAPER NUMBER

3725

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,677

Applicant(s)

HOOVER ET AL.

Examiner

Jimmy T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/28/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “**a frame with a front end and an opposing rear end**” (claim 1, lines 2-3; claim 7, lines 2-3; claim 11, line 3; and claim 15, line 3); and the “**elongate couplers**” (line 3 of claims 8 and 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Torsion Bar Activated Round Bale Kicker".

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-6, 8-10, 12-14, and 16-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Regarding claims 2 and 12, the specification does not support the limitation "the axle bracket has a hole therethrough matching the multifaceted shape of the first end of the torsion bar". Figure 3 shown a support arm (52), which affixed to the axle , the support arm has a hole (54) therethrough matching the multifaceted shape of the first end of the torsion bar.

Regarding claims 8 and 16, the specification does not provide any support for the limitation "each of the second ends of the torsion bars is affixed to the ramp by respective elongated couplers .. (emphasis added)".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 17, there is no antecedent basis for "the table" in the claim. It is suggested that the limitation "the table" be changed to --- the ramp ---.

Regarding claim 3, line 6, there is no antecedent basis for "the hold" in the claim. It is suggested that the limitation "the hold" be changed to --- the hole ---.

Regarding claim 4, line 2, there is no antecedent basis for "the parallel arms" in the claim.

Regarding claim 7, line 18, there is no antecedent basis for "the table" in the claim. It is suggested that the limitation "the table" be changed to --- the ramp ---.

Regarding claim 8, line 6, there is no antecedent basis for "the hold" in the claim. It is suggested that the limitation "the hold" be changed to --- the hole ---.

Regarding claim 9, line 2, there is no antecedent basis for "the parallel arms" in the claim.

Regarding claim 11, line 19, there is no antecedent basis for "the table" in the claim. It is suggested that the limitation "the table" be changed to --- the ramp ---.

Regarding claim 13, line 6, there is no antecedent basis for "the hold" in the claim. It is suggested that the limitation "the hold" be changed to --- the hole ---.

Regarding claim 15, line 19, there is no antecedent basis for "the table" in the claim. It is suggested that the limitation "the table" be changed to --- the ramp ---.

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Regarding claim 16, line 6, there is no antecedent basis for “the hold” in the claim. It is suggested that the limitation “the hold” be changed to --- the hole ---.

Regarding claim 17, line 2, there is no antecedent basis for “the parallel arms” in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 11, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Van Ryswyk (US 4,683,815).

Regarding claims 1 and 11, Van Ryswyk discloses a round baler having a frame (fig. 2), a wheel assembly (17) including a transverse axle (48), a bale forming chamber (21) including a forward portion (see the left side of the baler (15) in fig. 7) and a tailgate portion (27) vertically pivotable between a close position (fig. 6) and an open position (fig. 8), and a bale kicker (fig. 3), wherein the bale kicker comprising: a ramp (28, 29, 31, 32) affixed to the axle (via element (47) for generally free vertical pivoting movement (at element (42)) between a slightly above horizontal position (fig. 6) and a position in contact with the ground (fig. 7); a transverse torsion bar (a combination of elements (43, 47, 51, 53) formed the torsion bar) with a longitudinal axis generally parallel to the transverse axle (fig. 2), the torsion bar having a first end affixed to the

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axle (via element (47)) and an opposing second end affixed to the ramp (via element (33)) (see fig. 3).

Allowable Subject Matter

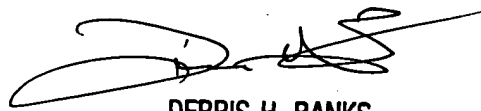
Claims 7 and 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,807,901 to Bentzinger et al. discloses a round baler having a spring load bale ramp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
August 03, 2005